

Notice of Allowability

Application No.

10/733,206

Examiner

Robert J. Hoffberg

Applicant(s)

WILFONG, M. SCOTT

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/262006.
2. ☒ The allowed claim(s) is/are 1-4, 6-13 and 17-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


LYNN FEILD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Detailed Action

Allowable Subject Matter

1. Claims 1-4, 6-13 and 17-21 are allowed.

The following is an examiner's statement of reasons for allowance: The allowability resides in the overall structure of the apparatus as recited in independent claim 1, and at least in part, because claim 1 recites a preconstruction utility pedestal including "an elongated support member", "a plate", "a first bracket", "an electric power outlet" and "a second bracket with a first meter mounting portion and a second elongated portion. The aforementioned limitations in combination with all remaining limitations of the respective claims are believed to render said independent claim 1 and all claims dependent therefrom patentable over art of record.

The allowability resides in the overall structure of the apparatus as recited in independent claim 8, and at least in part, because claim 8 recites a method of using this pedestal including "mounting a pedestal ...by means of a plate", laying utility lines, "mounting an electric meter...with a first plate", "removably mounting an electric power outlet", connecting an "electric supply line to said electric meter" and mounting a gas meter...with a second bracket" The aforementioned limitations in combination with all remaining limitations of the respective claims are believed to render said independent claim 8 and all claims dependent therefrom patentable over art of record.

The closest references to the present invention are believed to be as follows: Hanson (US 5,400,212) teaches a preconstruction utility pedestal including "an elongated support member", "a plate", "a first bracket", "an electric power outlet" and "a

second bracket.” Nickola (US 3,614,538) teaches a utility pedestal including “an elongated support member”, “a first bracket” and provisions to mount utility boxes on the support member. Nickola (US 4,751,610) teaches a utility pedestal including “an elongated support member”, “a first bracket” and “a second bracket.”

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bryd (US 3,879,641), King et al. (US 4,133,021), Jensen (US 4,519,657) and Tipton (US 5,838,078), and teach utility pedestals for mounting multiple meters and other devices.

None of the cited references, either taken alone or in combination is believed to render the present invention unpatentable as claimed.

Response to Arguments

2. The revised specification and drawings were received on 12/16/05. This specification and drawings are acceptable.
3. Applicant's arguments with respect to claims 1-4, 6-13 have been considered have been fully considered and are persuasive in view of the addition limitations added in the amended claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Hoffberg whose telephone number is (571) 272-2761. The examiner can normally be reached on 8:30 AM - 4:30 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJH *RJH*

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LYNN FEILD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800